

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIE COUNTY ENVIRONMENTAL)	CIVIL ACTION NO. 05-59 ERIE ELECTRONICALLY FILED
COALITION, et. al.,)	
Plaintiffs)	
))	
v.)	CIVIL ACTION NO. 05-59 ERIE ELECTRONICALLY FILED
MILLCREEK TOWNSHIP SEWER)	
AUTHORITY AND MILLCREEK)	
TOWNSHIP,)	
Defendants)	

**PLAINTIFFS' RESPONSE TO DEFENDANTS' SUPPLEMENT TO CONCISE
STATEMENT OF MATERIAL FACTS**

The Plaintiffs, Erie County Environmental Coalition, PennEnvironment, and the Gaia Defense League (hereinafter collectively known as "Plaintiffs"), by and through their attorneys, submit the following as their Response to Defendants' Supplement to Concise Statement of Material Facts:

- 209A. Plaintiffs lack sufficient knowledge to admit or deny.
- 214a. Plaintiffs lack sufficient knowledge to admit or deny.
- 214b. Plaintiffs lack sufficient knowledge to admit or deny.
- 245a. Plaintiffs lack sufficient knowledge to admit or deny.
- 245b. Plaintiffs lack sufficient knowledge to admit or deny.
- 245c. Plaintiffs lack sufficient knowledge to admit or deny.
- 245d. Plaintiffs lack sufficient knowledge to admit or deny.
- 245e. Plaintiffs lack sufficient knowledge to admit or deny.
- 246a. Plaintiffs lack sufficient knowledge to admit or deny.

246b. Plaintiffs lack sufficient knowledge to admit or deny.

317a. Plaintiffs lack sufficient knowledge to admit or deny.

317b. Plaintiffs lack sufficient knowledge to admit or deny.

317c. Admitted as far as the affidavit of Mr. George Riedesel asserts that the photograph, attached as Exhibit 1, was taken on January 30, 2007 and shows the progress of the construction of each of the tanks.

317d. Admitted as far as the affidavit of Mr. George Riedesel asserts that the photograph, attached as Exhibit 2, was taken on January 30, 2007 and shows the SCADA controller panel.

317e. Admitted as far as the affidavit of Mr. George Riedesel asserts that the photograph, attached as Exhibit 2, was taken on January 30, 2007 and shows the SCADA controller panel.

317f. Admitted as far as the affidavit of Mr. George Riedesel asserts that the photograph, attached as Exhibit 2, was taken on January 30, 2007 and shows the new electrical panels.

317g. Plaintiffs lack sufficient knowledge to admit or deny.

Respectfully submitted,

s//Jennifer A. Murphy

Jennifer A. Murphy, Esquire

PA90851

Rebecca C. Lafferty, Legal Intern

Mid-Atlantic Environmental Law Center

4601 Concord Pike, P.O. Box 7474

Wilmington, DE 19803-0474

(302) 477-2182

(302) 477-2032 (fax)

jamurphy@widener.edu

Attorney for Plaintiffs

Dated: April 4, 2007

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document by electronic means utilizing the Court's CM/ECF system that will serve notice of electronic filing to Mark J. Shaw, Esq., McDonald, Illig, Jones & Britton, LLP, Attorney for Defendants on this 4th day of April, 2007.

/s/ Jennifer A. Murphy
Jennifer A. Murphy
PA90851
Mid-Atlantic Environmental Law Center
4601 Concord Pike, P.O. Box 7474
Wilmington, DE 19803-0474
(302) 477-2181
(302) 477-2032 (fax)
jamurphy@widener.edu
Attorney for Plaintiffs